19

File No. Rg. Asstt. Hill Tribes/51

Legal Department
C **BRANCH**

Subject:— Correspondence relating to grant of Legal Assistance to the members of the Aboriginal and Hill Tribes.

P=4
5

File No. Rg. Asstt. Hill Tribes/51

Gen. 194 e.

229-e

C O N T E N T S .

Legal Department File No1 Lg.Asstt.Hill.Tribes/ 51.

Sr.No.	R. I. / O. No.	Subject	Pages.
		Correspondance relating to grant of Legal Assistance to the members of Aboriginal and Hill Tribes ----	
1).	L.D.G.R.No.6516 24-4-51.	Continuing the Scheme of Legal Assistance---	3-5.
2)	L.D.R.I. No. 18431 4- 9- 51.	Bombay Agr. Debtors Relief Act . 1947~~~~-- Grant of Legal Assistance to Agriculture deptors in appellate case under -----	7.

VVK. 11/7/56/

5C.

Legal Department.

Submitted.

2. Attention is invited to the G.R. L.D. No. 3640, dated the 24th April 1941 under which the scheme for granting legal assistance to Aboriginal and Hill Tribes was introduced during the year 1941-42 in West Khandesh and Broach & Panch Mahals Districts. The scheme was subsequently continued once in the five Districts of East Khandesh, Nasik, Broach, Thana and Kolaba and at other time in four more Districts of Dangs, Surat, Borada and Sabarkantha. Thus till the last financial year the scheme was in force in the Districts of West Khandesh, Broach, Panch Mahals, East Khandesh, Nasik, Thana, Kolaba, Dangs, Surat, Baroda and Sabarkantha. During the current financial year a provision of Rs. 1,000/- has already been made on this account, The scheme may therefore continued during the current financial year 1951-52.

3. Before issue of the appended G.R. the case submitted to H.D.(L).

Id/-
dt/-18/4/

A.S.(Adm.) Id/-
dt/- 18/4/

Secy. Id/-
dt/- 18/4

H.M.(Law) Id/-
dt/- 21/4,

VVK 11/7/56/

5C.

Legal Assistance.
Grant of ---- to the members of the Aboriginal and Hill Tribes.

GOVERNMENT OF BOMBAY
Legal Department,
Resolution No. 65&16
Bombay Castle, 24th April 1951.

Read Government Resolution No. 3640 , dated the 24the April 1941.

Read Government Resolution No. 2812, dated the 31 March 1942.

Read Government Resolution No. 2956, dated the 21st April 1943.

Read Government Resolution No. 8880 Dated the 16th December 1944.

Read Government Resolution No. 2397, Dated the 29th March 1946.

Read Government Resolution No. 826, dated the 23rd January 1947.

Read Government Resolution No. 10144,dated the 29th October 1948.

Read Government No. 11063 , dated the 4th October 1949.

Read Government Resolution No. 12493 , dated the 31st August 1950.

RESOLUTION: Government is pleased to direct that the scheme of granting legal assistance to members of Aboriginal and Hill Tribes should be continued during the year 1951-52 in the elecen districts of East Khandesh, West Khandesh, Nasik Broach, Panch Mahals,Thana, Kolaba, Dangs,Surat , Baroda and Sabarkantha.

2. Necessary provision has already been made in the current year's budget under "27-Administration of Justice -B Law Officers -B- 2 Mofussil Establishment-B-2(3)-Allowances, Honoraria etc.."

By order of the Governor of Bombay

Sd/-J.R.Dhurandhar,
Secretary to Government .

To

All the Departments of Secretariat (Except the saparate Department),

The Collector of East Khandesh,

V.V.K. 11/7/56/ 5C.

Bombay Agricultural Debtors' Relief Act, 1947.
Grant of Legal Assistance to Agricultural debtors/labourers in appellate cases under _____

GOVERNMENT OF BOMBAY.

Development Department.

Resolution No. ADR 6851-C. 12012
12-7-50.

Bombay No. 1, 20th August 1951.

Letter No. 713, dated 7th July 1950, from the District Government Pleader Dharwar , to the Remembrancer of Legal Affairs.

Government letter, No.ADR 6851-C, dated 15th January 1951, to the Registrar, High Court, Appellate Side, Bombay.

Letter No. C-2261/49, dated 8th May 1951 , from the Registrar, High Court, Appellate Side, Bombay.

RESOLUTION:- In supersession of the orders issued in Government Resolution, No. 1121 , dated 22nd May 1950, Government is pleased to direct that legal assistance should be given to the poor, illiterate and backward class agricultural debtors and labourers in the whole of this State in filling their appeals from the orders passed by the Courts under the Bombay Agricultural Debtors Relief Act, 1947, and also in defending them as respondents in the appeals preferred by their creditors, in the Appellate Courts. The Following procedure is prescribed to be followed in the matter :----

(1) If the Civil Court decides the case against the agricultural debtor/labourer, it should call upon him to state whether he wants to go in appeal from its order and if he agrees it should callupon him to obtain certificate from the District Government Pleader that the case in appeal is fit for defence and to submit that certificate to the Court within the period of limitation.

(2) (a) On recept of the District Government Pleader's certificate as a fit case for defence , the Court should arrange to direct the District Government Pleader to appear for the case in the Appellate Court.

(b)) If the District Government Pleader certifies that the case is not fit for defence, the Court should inform theagricultural debtor/labourer accordingly and say that no legal assistance can be given to him by Government for the case in the Appellate Court.

(3) If the agricultural debtor/labourer is required to appear in the appeal case as a respondent, the Court on receipt of the notice of appeal under rule 13 of the rules under Order XVI of Schedule I to the Procedure Code should require him to obtain the District Government Pleader's certificate within the period of limitation and to submit it to the Court If the certificate is for defence, the Court should inform the agricultural debtor/labourer accordingly and should arrange to direct the District Government Pleader to appear for the case in the Appellate Court.

(b) If the District Government Pleader certifies that the case is not fit for defence the Court should inform the agricultural debetor/labourer accordingly and say that no legal assistance can be given to him by Government in thecase in the Appellate Court.

(4) If Government legal help is not granted, it is open for the agricultural debtor/labourer to engage his own pleader. The Court sholld explain this to him.

explain this to him.

(5) In all cases in which the assistance of the Government Pleder is given to the debtor, an agreement in writing should be taken from the debtor that any sum recovered by him from the other party as costs shall be paid by him to Government in reimbursement of the costs incurred by it and only the balance, if any, remaining thereafter shall be retained by him.

(6) The fees to be paid to the Government Pleader, appointed as above shall not save with the sanction of Government exceed the fees admissible to him under the Law Officers (Conditions of Service Rules,1939).

(7) In cases in which legal assistance is granted as above, all expenses incurred in the proceedings cost of court fees, if any, should subject to condition (5) above be borne by Government .

(8) Every bill of fees and other expenses incurred should be submitted by the Government Pleader for the countersignature of the Secretary to the Government of Bombay, Development Department, through the Civil Court and District Court.

(9) The order authorising the Government Pleader to appear in the appear in the case, together with a certificate from the Court as to the accuracy of the dates for which the fees are claimed and a copy of the Court's decree, should be sent along with the Bill, Government may call for such other information or decuments as may be considered necessary to determine whether the amount claimed in the bill is correct and proper.

(10) If the Secretary to Government, Development Department , is satisfied that the bill is in order, he shall conuntersign it and return it to the Government Pleader concerned who shall then present it at the treasury for payment.

2. Aboriginal and hill tribes are included in the term "Backward Classes"

3. The cost on account of the Legal assistance should be debited to the head " 42-Co-operation-G-Post War Reconstruction and Department Programme -G-3 (1) -Charges in connection with the administration of the Bombay Agricultural Debtors' Relief Act-Debt Adjustment Boards", during the current year.

4. The District Judges should be requested to make necessary provision in their budget estimates in future on account of this expenditure.

By order of the Governor of Bombay,

D.S.JOSHI,

Secretary to Government.

G R No. ADR 6851-C D.D. , dated 20th August 1951.

To

All Collectors (except the Collector of Bombay and Bombay Suburban District),

The Registrar, High Court, Appellate Side, Bombay (by letter),

VVK.11/7/56/